

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|------------------------------|---|-----------------|
| WDW MANAGEMENT COMPANY, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 3:13-CV-486 |
| v. |) | (VARLAN/GUYTON) |
| |) | |
| TOBIANNE M. NEAL, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the referral of the District Judge.

Now before the Court is Plaintiff's Motion to Transfer Pursuant to 28 U.S.C. § 1404(a), 28 U.S.C. § 1406(a), or 28 U.S.C. § 1631 [Doc. 7]. In its Motion, Plaintiff moves the Court to transfer this case to the Western District of North Carolina. In support of this position, the Plaintiff submits that the relevant acts in this case took place in Matthews, North Carolina and Charlotte, North Carolina, within the Western District of North Carolina. Plaintiff argues that a transfer is proper under 28 U.S.C. § 1404(a), if the Defendant is subject to personal jurisdiction in Tennessee, and it is proper under 28 U.S.C. § 1406(a) and 28 U.S.C. § 1631, if she is not.

The Plaintiff has not responded in opposition, and the time for doing so has expired, see E.D. Tenn. L.R. 7.1. "Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought." E.D. Tenn. L.R. 7.2. The Court finds that the Motion for Transfer could be granted based upon Defendant's failure to respond in opposition.

Notwithstanding, the Court has reviewed and considered the allegations of the Complaint and the representations made in the affidavits filed in support of Defendant's Motion to Dismiss for Lack of Personal Jurisdiction. [Docs. 2-1 and 2-2]. Based upon these filings, the Court finds that it is appropriate to transfer this case to the Western District of North Carolina pursuant to 28 U.S.C. § 1406(a).

Accordingly, the Motion to Transfer **[Doc. 7]** is **GRANTED**, and the Clerk of Court is **DIRECTED** to **TRANSFER** this case to the Western District of North Carolina, at Charlotte.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge